

**URGENT LETTER TO CLERK OF COURT OF APPEALS OF
VIRGINIA – RE: Case nos. 1424-22 and 1425-22**

Friday, February 17, 2023

ATTN: Clerk of the Court Court of Appeals of Virginia	109 North Eighth Street Richmond, VA 23219-2321 Phone: (804) 371-8428
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CC: Respondents including Assistant Attorney General Justin Hill, served by c/o Roberta Hill rbhill67@comcast.net

Clerk of the Court,

I have received the orders on February 17, 2023, misinterpreting my motions for the complete record of the Trial Court as a Petition for Writ of Certiorari and they were denied. This Court has no right to deny me Due Process of Law asking for the complete record, this Court has no right to block me from the complete record of the Trial Court, and cannot override the U.S. Constitution, otherwise overriding the U.S. Supreme Court, this may be considered as what some may call a coup d'etat, high treason. I am not advocating a coup d'etat, I am saying that this Court overriding the authorities of the Supreme Court may be a coup d'etat. This scares me in this Constitutional republic. Virginia is part of the Constitutional republic of the United States of America.

However as a matter of law, I am still Constitutionally entitled to the entire record of the Trial Court and the Clerk of the Circuit Court did transmit the entire record this time except the correspondences may or may not be included. I do not know but that should also be included. See VACES transmitted file: "REJudge-Greer-order-eml.pdf". The Court of Appeals of Virginia has no legal right to deprive me of procedural due process of law and has no right to deprive me of review of the complete record of the Trial Court, remember that. You have no right to override the authorities of the U.S. Supreme Court, this Court has no right to overrule the authorities of the U.S. Supreme Court. This is not supposed to be a legal coup d'etat unless this Court is intending to override the authorities of the U.S. Supreme

Court, as Virginia is still part of the United States of America, and the U.S. Supreme Court case authorities is the supreme law of the land. Read the federalist papers. The CAV cannot overrule decades and centuries of case law, if they do then it is considered a state sanctioned coup d'etat. QAnons and legal scholars are watching my cases very carefully. I hope that the Constitution is being followed here as high treason is not a good thing, **our Constitution protects the constitutional rights of all citizens**. We as intellectuals know that, we studied the federalist papers and anti-federalist papers. Anybody who has been to law school should know that we are a Constitutional republic and are governed by the Constitution and by the United States Supreme Court which governs both federal law and state law when the Constitutional interpretation is involved here.

See State v. Means, No. 09-489, 4 (La. Ct. App. Dec. 9, 2009) ("**Both this court and the United States Supreme Court have made clear that a criminal defendant has a right to a complete transcript of the trial proceedings**, particularly where appellate counsel was not counsel at trial. State v. Deruise, 98-0541, p. 11 (La. 4/3/01), 802 So.2d 1224, 1234, cert. denied, 534 U.S. 926, 122 S.Ct. 283, 151 L.Ed.2d 208 (2001), citing Hardy v. United States, 375 U.S. 277, 84 S.Ct. 424, 11 L.Ed.2d 331 (1964) and State v. Robinson, 387 So.2d 1143 (La. 1980). The Louisiana State Constitution guarantees that "[n]o person shall be subjected to imprisonment . . . without the right of judicial review based upon a complete record of all evidence upon which the judgment is based." LSA-La.Const. art. I § 19. Additionally, in all felony cases, the clerk or court stenographer shall record all of the proceedings, including the examination of prospective jurors, the testimony of witnesses, statements, rulings, orders, and charges by the court, and objections, questions, statements, and arguments of counsel. LSA-C.Cr.P. art. 843.").

See Hardy v. United States, 375 U.S. 277, 285 (1964) ("...**Court of Appeals must provide the would-be appellant with both the assistance of counsel and a record of sufficient completeness to enable him to attempt to make a showing . . .**" that the **case presents a nonfrivolous issue**. Coppedge v. United States, 369 U.S. 438, 446."). Coppedge v. United States, 369 U.S. 438, 456 (1962) ("For this reason, we have held that in such cases a **Court of Appeals must provide the applicant with the assistance of counsel and with a record of sufficient completeness to give him full opportunity to show that the appeal is in "good faith"**." Johnson v. United States, supra; Farley v. United States, 354

U.S. 521.”).

See *State v. Tilton*, 149 Wn. 2d 775, 783 (Wash. 2003) (“The usual remedy for a defective record is to supplement the record with appropriate affidavits and have discrepancies resolved by the judge who heard the case.”).

This Court would be depriving Appellant of due process of law if Appellant is required to prosecute his appeal with less than a complete record. See *State v. Dupris*, 373 N.W.2d 446, 449 (S.D. 1985) (“On remand of the new trial motion, the trial court decided, inter alia, that Dupris would be denied due process if she was required to prosecute her appeal with less than a complete record. Based on the facts of this particular case, we agree. The trial court's adjudication for a new trial was not an abuse of discretion.”). See *Winston v. Kelly*, 592 F.3d 535, 555-56 (4th Cir. 2010) (“If the record ultimately proves to be incomplete, deference to the state court's judgment would be inappropriate because judgment on a materially incomplete record is not an adjudication on the merits for purposes of § 2254(d). *Wilson*, 577 F.3d at 1292; *Drake*, 321 F.3d at 345. New, material evidence, introduced for the first time during federal habeas proceedings, may therefore require a de novo review of petitioner's claim.”).

I do understand that requesting the complete record from the Trial Court is moot because the Clerk did transmit the complete record, at least I hope it is, at least contains just the one email from the Hon. Ashby R. Pritchett, saying that multiple motions for New Trial were denied. I do not know if correspondences were also included in the new record transmitted, but if the email from Hon. Ashby R. Pritchett admitting that multiple motions were denied is omitted, then I have a constitutional right to file the missing emails from the records along with a Declaration or affidavit under penalty of perjury to substantiate the omissions. The only email which proves to this Court that the Hon. Giles Carter Greer denied multiple motions for New Trial in his order, the motions filed on August 31, 2022 and September 6, 2022. The Clerk said they were denied, meaning those two

motions asking for a New Trial. That hopefully is part of the record or should be part of the complete record. New Trial motions both dated August 31, 2022 and September 6, 2022. This last matter should be resolved before I should proceed on appeal.

I am sorry for sounding harsh but I have to be sure that the Constitutional law is being followed. All lawyers who went to law school understand this. Even law clerks understand this. No judge can overrule the case law of the U.S. Supreme Court when the case law applies to both state courts and federal courts, because overriding the Supreme Court topples the chain of command leading to a lawless judiciary.

I have a due process right to a complete record.

The complete record doesn't contain the email dated September 13, 2022. Please make sure that it does. I have submitted a true and correct copy of the email from the Clerk of the Trial Court regarding denial of multiple motions, not one motion for New Trial, as multiple Motions for New Trial were pending before Hon. Giles Carter Greer. The record needs to reflect even emails when they are material to the proceedings on appeal. "Motions" word is highlighted here. This is key to what is being appealed here. This email record proves it and should be part of the record of the Trial Court.

CITATION of attachment file: REJudge-Greer-order-eml.pdf:

Subject: RE: Judge Greer's order

From: Ashby Pritchett <apritchett@vacourts.gov>

Date: 9/13/2022, 10:47 AM

To: Roberta Hill <rbhill67@justiceforuswgo.nl>

Mrs. Hill,

Terry from my Office will be sending you a copy of Judge Greer's order, and copies of the amended Table of contents of the Motions filed by Brian with the Court of Appeals.

Judge Greer's Order denying Brian's motions doesn't end Brian's case with the Court of Appeals. Judge Greer's Order only declares that the Martinsville Circuit Court doesn't have

jurisdiction (power to act) on Brian's motions.

Everything Brian has filed has been sent to the Virginia Court of Appeals, who will make the judicial decision on his motions.

Ashby Pritchett, Clerk
Martinsville Circuit Court
Judge

That email proves multiple Motions for New Trial were denied, referring to Judge Greer denying two pending Motions for New Trial filed on (Motion #1) August 31, 2022 and (Motion #2) September 6, 2022. Two motions were denied according to the former Clerk, the Hon. Ashby R. Pritchett. This judge doesn't seem to specify which motions were denied, he doesn't specify that two motions were denied in his order but the Clerk is saying that "motions" were denied. "Motions" being the key word here. There were two motions for new trial, and the Clerk said the Judge denied the "Motions", two pending Motions for new trial.

That is why it is important for correspondences to be included or Appellant should be allowed to submit the missing email records from the Clerk of the Trial Court. That needs to be part of the record. Correspondences do help interpret things in the record or things in the Order.

An appeal brief is going to be defective without the complete record.

The rules state that I have 40 days after transmission of the complete "record", that all counsel/parties has to be notified as to the complete record. Counsel of Appellant or Appellant and Appellees or Counsel of Appellees are supposed to both be notified and given access to the record on appeal. I may have to talk with Justin Hill the counsel for Appellees about the issues of the email and ask if he objects to the email from Ashby Pritchett being part of the record from the Trial Court, referring to file: "REJudge-Greer-order-eml.pdf".

The transmission was defective on December 13, 2022, and I still do

not have the complete record from the Clerks of the Court of Appeals of Virginia. They are taking their time, a lot of time when the Court is only giving me until March 6, 2023 to file my appeal brief and I do not even have access to the complete record to even file a Designation of the Record, it is all defective process. I am being given defective process right now. I have to submit this letter, even if it doesn't make some people in the Court happy but I have to as a matter of law to assert my constitutional and legal rights or I am considered waiving those rights, which I will not waive any of my rights, because the Supreme Court of Virginia can come in the future to order correction to these issues I have brought up in this letter. Appellant is not being given access to the complete record. I and counsel of record should be notified and be given 40 days after the complete record is given to both counsel/parties. Appellant is not legal counsel but is still a party to the case.

Both parties to this appeal need to be given the complete record. Both parties should be given links to the PDF File or Files of the complete record including correspondences with officers of the Court of the case including emails, faxes, and letters. You cannot expect Appellant to proceed on appeal without the complete record. See all attachments.

Read email printout of: "REJudge-Greer-order-eml.pdf" and **"Clerk-Trialcrt-feb-14-2023.pdf"**. Both will be filed through VACES as separate files but are part of this letter.

I also will send a letter to Justin Hill asking about if he objects to the email being part of the record on appeal or being taken into consideration in this appeal. Please review over the letter attachment file: **"Letter-Justin-Hill-feb-17-2023.pdf"**, Letter to Justin Hill who represents Appellees.

Thank you for your time and attention to this matter.

Where We Go One We Go All (WWG1WGA), Nothing Can Stop What Is Coming (NCSWIC).


Signed
Brian D. Hill

God bless you,
Brian D. Hill
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